



North America Europe Asia

200 Park Avenue  
New York, NY 10166  
T +1 212 294 6700  
F +1 212 294 4700

**JEFFREY L. KESSLER**  
(212) 294-4698  
jkessler@winston.com

July 20, 2017

**VIA ECF**

Honorable Richard J. Sullivan  
United States District Judge  
United States District Court, Southern District of New York  
40 Foley Square, Courtroom 905  
New York, NY 10007

Re: ***Johnson v. National Football League Players Association, et al.***, Case No. **1:17-cv-05131-RJS**

Dear Judge Sullivan:

We represent the National Football League Players Association (“NFLPA”) in the above-referenced action.

As Your Honor is aware, the District Court for the Northern District of Ohio transferred this action to this Court on July 6, 2017. Although the District Court’s decision “address[ed] solely the issue of transfer,” the court also denied the NFLPA’s Motion to Dismiss without prejudice, and ruled that “any unaddressed issues may be raised or renewed, if permitted by the transferee court.” Order at 1 n.1. The District Court’s denial of the NFLPA’s Motion to Dismiss triggered the 14-day period to file a responsive pleading pursuant to Federal Rule of Civil Procedure 12(a)(4)(A).

Given the NFLPA’s July 20, 2017 statutory deadline to file a responsive pleading, the NFLPA had planned to submit today a letter requesting a pre-motion conference and permission to file a Motion to Dismiss Plaintiff’s First Amended Complaint as to all counts asserted against the union pursuant to Rule 2(A) of Your Honor’s Individual Rules and Practices. In light of the Court’s July 19, 2017 Order (Dkt. No. 72), we understand that we should refrain from submitting such a letter despite this statutory deadline and instead state our intention to file a Motion to Dismiss in the July 28 joint submission. In the event Your Honor would like the NFLPA to proceed in a different manner, we respectfully request that this Court so advise.

Respectfully submitted,

/s/ Jeffrey L. Kessler

Jeffrey L. Kessler